



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referenced herein are being sent via First Class Mail on the dated indicated below to Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 10 May 2006

Depositor's Name: Leah Saar

Depositor's Signature: 

In re Appln. Of Frederick, Thomas J.

Atty. Docket: C4-580

Title: AUTOMATIC WIRELESS SYNCHRONIZATION OF
ELECTRONIC ARTICLE SURVEILLANCE SYSTEMS

Serial No: 10/056,947

Art Unit: 2612

Filed: January 25, 2002

Examiner: Lee, Benjamin C.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Petition to Withdraw Holding of Abandonment of the above-identified application pursuant to 37 CFR § 1.181.

The Applicant received a Notice of Abandonment dated April 26, 2006 indicating that the application was abandoned because of Applicant's failure to timely pay the issue and publications fees within the statutory period of three months from the mailing date of the Notice of Allowance. In accordance with 37 CFR 1.8(b), the Applicant requests withdrawal of the holding of abandonment on the basis that the issue fee was timely filed on January 4, 2006. A copy of the papers filed in the USPTO on January 4, 2006 are attached hereto.

The facts in support of this Petition are as follows:

1. The Applicant received a Notice of Allowance dated October 21, 2005 for the above-identified application. As provided on the Notice, payment of the Issue Fee and Publication fee was due by January 23, 2006.
2. On January 4, 2005, the attached form PTOL-85 was faxed to the USPTO to telephone number 571-273-2885 (as set forth on the form PTOL-85 sent to the Applicant by the USPTO). The form PTOL-85 included an authorization by the undersigned to charge all fees to the Applicant's PTO Deposit Account. The authorization was signed January 4, 2005.
3. The form PTOL-85 includes a certification under 37 CFR §1.8 which attests to the transmission of the document to the PTO on January 4, 2006. The Certificate of Mailing or Transmission was signed and dated by Leah C. Saar.
4. The facsimile confirmation sheet generated by the Applicant's fax machine which confirms successful transmission to 571-273-2885 is also attached hereto.

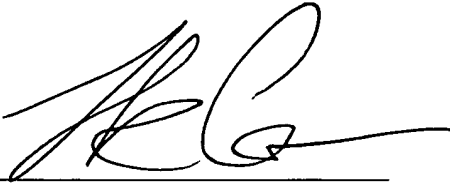
Based on the above, the attached form PTOL-85 was properly transmitted by telefax to the USPTO on January 5, 2006 and was therefore timely filed.

In view of the foregoing facts and the referenced attachments, the Applicant respectfully requests that the Director grant this Petition and withdraw the holding of abandonment of the above-identified application on the basis that the issue fee was timely filed. The Applicant further requests the acceptance of the attached issue and publication fee payments and that the application be processed for issuance.

Pursuant to 37 CFR 1.181, this Petition does not require a fee. This Petition is being filed within 2 months of the mailing date of the Notice of Abandonment, and is therefore timely filed in accordance with 37 CFR 1.181(f).

Respectfully submitted,

5/9/06
Date


Frank A. Cona
Registration No. 38,412

Mailing Address:

Frank A. Cona
Tyco Fire & Security Services
One Town Center Road
Boca Raton, FL 33486
561-981-4366 (phone)
561-988-7843 (facsimile)